

HEARING DATE AND TIME: April 10, 2024, 11:30 AM
OBJECTION DEADLINE: April 3, 2023

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

ALEXA & ROGER, INC

Case No.: 23-44441-jmm
CHAPTER 11

Debtor(s)

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NOTICE OF HEARING ON APRIL 10, 2024 AT 11:30 AM
ON DEBTOR'S MOTION TO DISMISS THIS CHAPTER 11 CASE

PLEASE TAKE NOTICE that a hearing before the Honorable Jil Mazer-Marino United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, 271-C Cadman Plaza East, Brooklyn, New York 11201-1800 shall be held on April 10, 2024 at 11:30 AM on the motion filed by the Debtor, Alexa & Roger Inc., pursuant to 11 U.S.C. Section 1112(b) (1) dismissing this Chapter 11 case, and granting such other relief as this Court deems just and proper (the "Motion").

PLEASE TAKE FURTHER NOTICE that objections, if any, to the motion must be in writing and filed with the Bankruptcy Court by April 3, 2024 (the "Objection Deadline") through the Court's electronic filing system. Instructions for electronically filing an objection can be found at www.nyeb.uscourts.gov. A copy of the objection must also be mailed, so as to be received by the Objection Deadline, to Richard S. Feinsilver, Esq., One Old Country Road, Suite 347, Carle Place, New York 11514.

PLEASE TAKE FURTHER NOTICE that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two days prior to the hearing. The phone number or video link for the hearing shall be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with ECourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have Internet access or otherwise unable to register with the eCourt Appearances, you may call or email Judge Mazer-Marino's Courtroom Deputy for instructions at 347-394-1844 or JMM_hearings@nyeb.uscourts.gov.

PLEASE TAKE FURTHER NOTICE that the hearing on the motion may be adjourned without notice other than an announcement in open Court.

Dated: Carle Place, New York
March 11, 2024

s/Richard S. Feinsilver

RICHARD S. FEINSILVER
Attorney for Debtor
One Old Country Road, Suite 347
Carle Place, New York 11514
(516) 873-6330

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Case No.: 23-44441-jmm

ALEXA & ROGER INC

APPLICATION TO DISMISS
CHAPTER 11 CASE PURSUANT
TO SECTION 1112(b)(1)

Debtors.

-----X

TO THE HONORABLE JIL MAZER-MARINO, UNITED STATES BANKRUPTCY JUDGE:

The application of the ALEXA & ROGER, INC, by its attorney, Richard S. Feinsilver, the Debtor requests that the above captioned case be dismissed pursuant to 11 U.S.C. Section 1112(b)(1), and in support thereof avers as follows:

1. The debtor filed a bankruptcy petition pursuant to Chapter 11 of the Bankruptcy Code on December 1, 2023. The debtor has not yet filed a plan or disclosure statement in this case.

2. The subject case was filed to provide the debtor with a period of time in which to obtain a purchaser for its sole asset, a mixed use commercial/residential building located at 381 Fulton Street, Brooklyn, New York (the "Property").

3. Approximately 40 days ago, the Debtor retained Marcus and Millichap as its broker to pursue a purchaser for the Property. An application to retain this firm has been filed with the Court, and a retention Order is anticipated to be entered in the next few days.

4. The Property is encumbered by a first mortgage with an outstanding balance of approximately \$2.8 million and open real estate taxes and water/sewer charges of an addition \$20,000.00. The Debtor has no known unsecured creditors.

5. To date, there have been a number of showings of the property, resulting in one viable offer at \$2,850,000.00 which was subsequently withdrawn and reduced to \$2,500,000.00 after the purchaser performed its due diligence. This offer would be a private sale subject to the sole approval of the lender. The reduced offer has been presented to the lender.

6. In essence, as with most single asset real estate cases, this is a two party dispute between the Debtor and its lender. The Debtor has prosecuted this case in good faith but has yet to find a viable purchaser. As such, your affiant respectfully requests that this case be dismissed pursuant to 11 U.S.C. Section 1112(b)(1).

7. All outstanding fees which may be due and payable to the Office of the United States Trustee shall be paid by the Debtor prior to the entry of the proposed Order dismissing this case.

8. Last, since there is no unique issue at law herein, it is respectfully requested that the filing of a memorandum at law be waived in this matter.

WHEREFORE, applicant prays that the case be dismissed pursuant to 11 U.S.C. Sections 1112(b)(1) and that the applicant be granted such other and further relief as the court may deem proper.

Dated: Carle Place, New York
March 11, 2024

s/Richard S. Feinsilver

Richard S. Feinsilver
Attorney for the Debtor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

IN RE

ALEXA & ROGER INC.

Case No.: 23-44441-jmm

CHAPTER 11

Judge Jil Mazer Marino

DEBTOR

-----X

AFFIRMATION OF SERVICE

The undersigned attorney, duly admitted to practice before this Court, affirms the following to be true under the penalties of perjury:

1. That he is the attorney for the debtor in the instant case.
2. That on the 11th day of March, 2024, your affiant served a true copy of the annexed Notice of Motion and Supporting Documents upon:

Office of the United States Trustee-EDNY Region 2- Brooklyn Division, Alexander Hamilton Custom House One Bowling Green, Room 510, New York, NY 10004-1408

Sahn Ward, Attn: Joel Shafferman Esq., 333 Earle Ovington Blvd, S 601, Uniondale NY 11553

Annexed list of creditors and other parties in interest to whom notice is required pursuant to BR 2002

the address(es) designated by said attorney and party for that purpose by depositing a true copy of same to each attorney and party, VIA First Class Mail, enclosed in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the USPS within the State of New York, and by transmitting a true copy of same to each attorney and party, VIA EMAIL to the email address designated by this individual for service of any pleadings herein.

Dated: March 11, 2024

Carle Place, New York

s/Richard S. Feinsilver

RICHARD S. FEINSILVER

Label Matrix for local noticing
0207-1
Case 1-23-44441-jmm
Eastern District of New York
Brooklyn
Wed Feb 14 09:12:17 EST 2024

1
271-C Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800

FAIRBRIDGE STRATEGIC CAP
FKA REALFI STRATEGIC CAP
330 POST ROAD
SUITE 230
DARIEN, CT 06820-3600

NYC DEPT OF FINANCE
66 JOHN STREET
2ND FLOOR
NY, NY 10038-3728

NYC Water Board
Richard J Costa
Senior Counsel - Bureau of Legal Affairs
59-17 Junction Blvd, 13th Fl
Elmhurst, NY 11373-5188

Gerard R Luckman Esq.
Subchapter V Trustee
Forcelli Deegan Terrana, LLP
333 Earle Ovington Blvd., Suite 1010
Uniondale, NY 11553-3645

Alexa & Roger Inc.
2200 North 17th Street
Philadelphia, PA 19132-4403

C/o Sahn Ward Braff Koblenz PLLC
33 Earle Ovington Blvd Ste 601,
Uniondale, New York 11553
Attn: Joel M. Shafferman, Esq.

Fairbridge Strategic Capital LLC
c/o Sahn Ward Braff Koblenz PLLC
Attn: Joel M. Shafferman, Esq.
33 Earle Ovington Blvd Ste 601,
Uniondale, New York 11553

NYC DEPT OF FINANCE
LEGAL DIVISION
345 ADAMS STREET
3RD FLOOR
BROOKLYN, NY 11201-3739

New York State Department of Taxation & Fina
Bankruptcy Section
P O Box 5300
Albany New York 12205-0300

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Richard S. Feinsilver, Esq.
One Old Country Road
Suite 347
Carle Place, NY 11514-1851

Fairbridge Strategic Capital LLC
c/o Sahn Ward Braff Koblenz PLLC
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333 Earle Ovington Boulevard, Suite 601
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BRAUNSTEIN TURKISH LLP
7600 HERICHO TPKE
SUITE 402
WOODBURY, NY 11797-1705

INTERNAL REVENUE SERVICE
P.O. BOX 7346
PHILADELPHIA, PA 19101-7346

NYC WATER BOARD
59-17 JUNCTION BOULEVARD
13TH FLOOR
ELMHURST, NY 11373-5188

Office of the United States Trustee
Eastern District of NY (Brooklyn)
Alexander Hamilton Custom House
One Bowling Green
Room 510
New York, NY 10004-1415

End of Label Matrix
Mailable recipients 16
Bypassed recipients 0
Total 16